IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4485 of 1995
With
SPECIAL CIVIL APPLICATION No. 4484 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HEMKAN AGENCIES - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR DEEPAK V PATEL for Petitioner(s) : 1,
MR LR PUJARI AGP for Respondent(s) : 1, 3,
RULE SERVED for Respondent(s) : 2, 4,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 06/12/2006

ORAL JUDGMENT

1. Mr.Dipak V.Patel, learned counsel for the petitioners and

Mr.L.R. Pujari, learned Assistant Government Pleader for the State, in both the petitions.

2. Both the petitions have been filed on an apprehension that the respondent Collector is likely to take some action against the petitioners because the said Collector had taken some action against a third party in an identical matter.

3. Undisputedly, no order against the interest of the petitioners were made when they came to this Court. On 4/6/1995, notice, returnable on 19/6/1999, was issued and this Court directed that the order of status-quo shall not be passed without hearing the applicants. The order was continued on 28/6/1995.

4. In my considered opinion, the said order providing protection to the petitioners would certainly serve the purpose. The petitioners were apprehending that an order of status-quo was likely tobe passed against them and, that too, without hearing them, but if the Court says that no order shall be passed against them without affording an opportunity of hearing, then nothing further is required to be done in both the matters. I confirm the orders which have remained in force for long 11 years. Both the petitions are disposed of with a direction that

no order of status-quo shall be passed by the Collector against the interest of the petitioners in relation to the construction, without affording an opportunity of hearing to the petitioners. Both the petitions stand disposed of. No costs.

(R.S. GARG, J.)

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